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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Donald J. KYLE et al.

Confirmation No.: 5149

Application No.: 10/607,563

Group Art Unit: 1623

Filed: June 27, 2003

Examiner: Paul V. Ward

Title: THERAPEUTIC AGENTS USEFUL  
FOR TREATING PAIN

Attorney Docket No.: 6750-173-999  
(CAM No.: 305158-999171)

**SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. §§ 1.56 and 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §§ 1.56 and 1.97 to inform the Patent and Trademark Office ("Office") of all references coming to the attention of each individual associated with the filing and prosecution of the above-identified application that are or may be related to patentability of the claimed invention, Attorneys for Applicants hereby invite the Examiner's attention to references **A28-A34, B12, B13** and **C35-C41** which are listed on the accompanying Substitute for Form PTO-1449 entitled "Information Disclosure Statement By Applicant." This Supplemental Information Disclosure Statement supplements the Information Disclosure Statement filed on November 1, 2005.

Legible copies of references **B12, B13** and **C35-C41** are submitted herewith. Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of references **A28-A34**, being United States Patents and Patent Application Publications, are not submitted herewith but will be submitted if requested by the Office.

No admission is made that the information cited in this Supplemental Information Disclosure Statement is, or is considered to be, material to patentability and no representation is made that a search has been made. 37 C.F.R. §§ 1.97(g) and (h).

Applicants request that the Examiner review all the references identified on the attached Substitute for Form PTO-1449, and that they be made of record in the file history of the above-identified application.

As this Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, Applicants estimate that no fee is required. Should a fee be required, the Commissioner is authorized to charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

*Samuel B. Abrams by  
George A. Smith 42,140*

Date: March 22, 2006

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Enclosures



Substitute for Form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT  
(Use several sheets if necessary)ATTY DOCKET NO.  
6750-173-999  
(CAM No. 305158-999171)APPLICATION NO.  
10/607,563APPLICANT:  
Donald J. KYLE et al.FILING DATE:  
June 27, 2003ART UNIT: CONF. NO.:  
1623 5149

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS* | Cite No. | DOCUMENT NUMBER | DATE MM/DD/YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|----------------------|----------|-----------------|-----------------|---|---|
|                      | A28      | 6,020,349       | 02/01/2000      | Ankersen et al.                                 |   |
|                      | A29      | 6,083,960       | 07/04/2000      | Ankersen et al.                                 |   |
|                      | A30      | 2004/0019099 A1 | 01/29/2004      | Aslanian et al.                                 |   |
|                      | A31      | 2004/0048843 A1 | 03/11/2004      | Ting et al.                                     |   |
|                      | A32      | 2004/0097483 A1 | 05/20/2004      | Zeng et al.                                     |   |
|                      | A33      | 2004/0204397 A1 | 10/14/2004      | Chaturvedula et al.                             |   |
|                      | A34      | 2006/0004053 A1 | 01/05/2006      | Arnould   |   |
|                      | A35      |                 |                 |   |   |

## FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS* | Cite No. | Country Code, Number, Kind of Code (if known) | DATE MM/DD/YYYY | Name of Patentee or Applicant of Cited Document               | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | TRANSLATION |    |
|----------------------|----------|---|-----------------|---|---|-------------|----|
|                      |          |   |                 |   |   | YES         | NO |
|                      | B12      | WO 02/18335 A1                                | 03/07/2002      | Yamanouchi Pharmaceutical Co., Ltd. and Toray Industries Inc. |   | XXX         |    |
|                      | B13      | WO 2004/064721 A2                             | 08/05/2004      | Tanabe Seiyaku Co., Ltd.                                      |   |             |    |
|                      | B14      |   |                 |   |   |             |    |

## NON PATENT LITERATURE DOCUMENTS

| EXAMINER'S INITIALS* | Cite No. | <i>Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.), date, page(s), volume, publisher, city and/or country where published., etc.</i>   |
|----------------------|----------|--|
|                      | C35      | WRIGGLESWORTH et al., "Capsaicin-like Agonists," <i>Drugs of the Future</i> 23(5):531-538 (1998)   |
|                      | C36      | SZALLASI et al., "Vanilloid (Capsaicin) Receptors and Mechanisms," <i>Pharmacol. Revs.</i> 51(2):159-211 (1999)  |
|                      | C37      | SZALLASI et al., "The Cloned Rat Vanilloid Receptor VR1 Mediates Both R-Type Binding and C-Type Calcium Response in Dorsal Root Ganglion Neurons," <i>Molec. Pharmacol.</i> 56:581-587 (1999)  |
|                      | C38      | BEVAN et al., "Vanilloid Receptors: Pivotal Molecules in Nociception," <i>Current Opinions in CPNS Investigational Drugs</i> 2(2):178-185 (2000)   |
|                      | C39      | WANG et al., "High Affinity Antagonists of the Vanilloid Receptor," <i>Mol. Pharmacol.</i> 62(4):947-956 (2002)  |
|                      | C40      | LOPEZ-RODRIGUEZ et al., "VR1 Receptor Modulators as Potential Drugs for Neuropathic Pain," <i>Mini-Reviews in Medicinal Chem.</i> 3(7):729-748 (2003)  |
|                      | C41      | POMONIS et al., "N-(4-Tertiarybutylphenyl)-4-(3-chlorophenyl)-2-tetrahydropyrazine-1(2H)-carboxamide (BCTC), a Novel, Orally Effective Vanilloid Receptor 1 Antagonist with Analgesic Properties: II. In Vivo Characterization in Rat Models of Inflammatory and Neuropathic Pain," <i>J. Pharmacol. Exper. Therapeutics</i> 306(1):387-393 (2003) |
|                      | C42      |  |

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.